

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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RONALD MONROE,

Plaintiff,

v.

CORRECTIONAL OFFICER WALKER, *et al.*,

Defendants.

Case No. 3:14-cv-00515-MMD-WGC

ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION
OF MAGISTRATE JUDGE
WILLIAM G. COBB

Before the Court is the Report and Recommendation of United States Magistrate Judge William G. Cobb (ECF No. 35) (“R&R” or “Recommendation”) relating to Defendant Correctional Officer Walker’s motion to dismiss. (ECF No. 33.) Plaintiff had until November 27, 2016, to file an objection. To date, no objection to the R&R has been filed.

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the court is required to “make a *de novo* determination of those portions of the [report and recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s report and recommendation where no objections have been filed. See

1 *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard
2 of review employed by the district court when reviewing a report and recommendation to
3 which no objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,
4 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the
5 view that district courts are not required to review "any issue that is not the subject of an
6 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then
7 the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F.
8 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to
9 which no objection was filed).

10 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
11 determine whether to adopt Magistrate Judge Cobb's R&R. The R&R recommends
12 dismissal pursuant to LSR2-2 and Fed. R. Civ. P. 41(b) because Plaintiff has failed to
13 notify the Court of his change of address and has not made contact with Defendant or
14 the Court since he filed his last notice of change of address in October 2015. (ECF No.
15 24.) Plaintiff filed his previous notice of change of address on October 23, 2015, and
16 Defendant's answer and the scheduling order that were served on Plaintiff in March
17 2016, were returned as undeliverable. (ECF Nos. 33-1, 32.) On November 28, 2016,
18 Plaintiff notified the Court of his new address and stated that he has been paralyzed
19 since May 10, 2016. (ECF No. 36.) Even accepting Plaintiff's representation as to his
20 medical condition,¹ Plaintiff does not explain his failure to update his address for months
21 before May 2016, or to contact Defendant during that time. Upon reviewing the R&R and
22 the filings in this case, this Court finds good cause to accept and adopt the Magistrate
23 Judge's R&R in full.


24 It is therefore ordered, adjudged and decreed that the Report and
25 Recommendation of Magistrate Judge William G. Cobb (ECF No. 35) is accepted and
26 adopted.

27 ¹The medical records attached to Plaintiff's notice indicate that he was admitted to
28 Mountain's Edge Hospital on July 26, 2016 and discharged on August 17, 2016. (ECF
No. 36-1.) He was admitted at a rehabilitation center on August 19 and 27, 2016. (*Id.*)

1 It is further ordered that this action is dismissed without prejudice.

2 The Clerk is directed to close this case.

3 DATED THIS 14th day of February 2017.

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6 MIRANDA M. DU
7 UNITED STATES DISTRICT JUDGE
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